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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,893	08/30/2001	Shinako Matsuyama	09792909-5132	2067

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EXAMINER

PAIK, STEVE S

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/943,893	MATSUYAMA ET AL.	
Examiner	Art Unit		
Steven S. Paik	2876		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 30 August 2001.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4)  Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-28 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 30 August 2001 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s)      6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. The abstract of the disclosure is objected to because it contains more than one paragraph. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

3. Claims 7, 8, 9 and 21 are objected to because of the following informalities:

Re claim 7, please substitute the word, "a" with -- an -- in line 6.

Re claim 8, please substitute the word, "a" with -- an -- in lines 6 and 7.

Re claim 9, please substitute the word, "a" with -- an -- in lines 4 on page 230.

Re claim 21, please substitute the word, "a" with -- an -- in lines 4 and 5 on page 236.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 6 recites the limitation "said person identification certificate authority" in line 9.

There is insufficient antecedent basis for this limitation in the claim.

The examiner is not clear what element of the invention the applicant intends to claim.

Thus he decides not to suggest any element in this Office Action. Appropriate clarification and correction is required.

6. Claims 7-11, 13 and 17 recite the limitation "said person identification certificate authority" in line 2. There is insufficient antecedent basis for this limitation in the claim.

The examiner is not clear what element of the invention the applicant intends to claim.

Thus he decides not to suggest any element in this Office Action. Appropriate clarification and correction is required.

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5, 11-18 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bianco et al. (US 6,256,737) in view of Marckini (US 5,907,149).

Re claims 1, 2, 4, 11-16, 18 and 24-28, Bianco et al. discloses a system, method and computer program product for allowing access using biometric devices. The system uses one or more biometric templates stored in the biometric server (104) which are compared with a user's

live biometric measurement (col. 3, lines 1-2). The system comprises a personal authentication authority (102) issuing a person authenticate certificate storing template information (104) and a person authentication execution entity (by applying appropriate biometric policies and using biometric devices) obtaining the template from the person authentication certificate issued by the person authentication authority and executing person authentication on the basis of the obtained template (see steps 618-622 in Fig. 6 and Figs. 8a-1-Fig 9). The personal biotic information may include fingerprints, retina and facial images, weight, DNA data, breath, voice, typing stroke and signature. Any of above biometric data can be used alone or in combination with another data for the purpose of collecting a biometric template in the biometric server.

Although he discloses the biometric system comprises a timing basis operation, he fails to disclose or fairly suggest an expiration data or a limited usage number.

Marckini discloses an identification card (10) including visually readable information and machine-readable data. Some of the visually readable information may not be personal biotic information such as card ID number information. A third party which is independent from the system using the card to determine accessibility of an event or transaction may issue the identification card. The encoded machine-readable data includes encoded data representative of a personal identifier of the bearer and encoded data representative of at least one event or transaction. The personal identifier is preferably biometric and the event or transaction encoded on the card has a predetermined number of permissible occurrences (col. 2, ll. 18-23). The identification card provides a secure access to a particular event or transaction and controls the number of access to the event or transaction to a predetermined number.

In view of Marckini reference, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate the method of verifying the expiry of eligibility of identification card holder in addition to the biometric system of Bianco et al. due to the fact that an access to an event or transaction is more accurately and selectively given and the number of accessing the event or transaction is limited to a predetermined number for the purpose controlling the number of access given to a particular event or transaction and individuals who access them. Furthermore, such modification of employing the identification card, as taught by Marckini to the teachings of Bianco et al. would have been an obvious matter of design variation, well within the ordinary skill in the art, and therefore an obvious expedient.

Re claim 3, Bianco et al. in view of Marckini discloses the information processing apparatus reads the encoded event-related or transactional data for a determination of prior occurrences (col. 3, ll. 65-67 of Marckini). He discloses the apparatus will actuate access to an event or a transaction when the apparatus determines prior events or transactions within the predetermined number of permissible occurrences. Otherwise, the apparatus actuates a bar to an event or a transaction (col. 2, ll. 28-38).

Re claims 5 and 17, Bianco et al. in view of Marckini discloses the information processing apparatus checks the validity of a template on the basis of a template expiration data. Since the identification card of Marckini comprises an expiration date, the personal identification data (preferably biometric) stored within the card depends on the expiration data of the card and number of permissible occurrences.

9. Claims 6-10 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bianco et al. (US 6,256,737) as modified by Marckini (US 5,907,149) as applied to claim 1 stated above, and further in view of Ohtsuki et al. (US 5,831,547).

The teachings of Bianco et al. in view of Marckini have been discussed above.

However, the prior art of references fail to teach or fairly suggest means for giving notice of approaching expiration date.

Ohtsuki et al. discloses a processor 202 reading the expiration date and the present date from the time and date clock 206. The processor compares the expiration data to the present date. If the time remaining until the expiration date is smaller than a predetermined number, the processor provides a signal to notify the user of the card (col. 6, lines 12-22). It is suggested that the expiration data can be modified according to the user's preset data (col. 6, ll. 53-57).

Therefore, it would have been obvious at the time the invention was made to a person having of ordinary skill in the art to have added means for keeping the current time and comparing it to an expiration date as taught by Ohtsuki et al. into the teachings of Bianco et al. in view of Marckini for the purpose of informing the user of remaining time until the expiration date and allowing opportunity to modify the time sensitive information according to the needs of a user.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Musgrave et al. (US 6,505,193) discloses a system and method of comparing a biometric data and processing them based on digital certificate authentication process.

Matchette et al. (US 5,229,764) discloses a system activating and analyzing the biometric data from a variety of biometric personal identification devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 703-308-6190. The examiner can normally be reached on Mon - Fri (5:300am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-6893 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0530.

*Steven Paik*

Steven S. Paik  
Examiner  
Art Unit 2876

ssp  
January 28, 2003

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800